

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR184
)	
v.)	
)	
CESSAR JIMENEZ AGUILA,)	PRELIMINARY ORDER
a/k/a "Pumpkin Head,")	OF FORFEITURE
GREGG STEVENSON,)	
a/k/a "G-Money," and)	
STEVE EUGENE ENCINAS,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 90). The Court has reviewed the record in this case and finds as follows:

1. Defendants have entered into Plea Agreements, whereby they have agreed to plead guilty to Counts I, III and IV of the Superseding Indictment. Count I of said Superseding Indictment charges the defendants with conspiracy to distribute and possess with intent to distribute marijuana, a violation of 21 U.S.C. § 846. Count III of said Superseding Indictment sought the forfeiture of the following:

- (1) Bushmaster 5.56 caliber pistol, Serial No. 000959
- (2) Cobray 9 mm, Model CM-11, Serial No. 94-0014163
- (3) Calico 9 mm, Model M-950, Serial No. I 002046
- (4) Cobray 9 mm, Model CM-11, Serial No. 94-008152
- (5) Intratec 9 mm, TEC-9, Serial No. 12238

- (6) Bushmaster 5.56 caliber, XM15-E2S, Serial No. L060134
- (7) Hi-Point 9 mm, Model C-9, Serial No. P229945
- (8) Beretta .40 caliber, Model 96, Serial No. A26984M
- (9) Walther PPK/S, .380 caliber, Serial No. S108366
- (10) Intratec 9mm, TEC-9, Serial No. A033616

pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) on the basis they were firearms involved or used in the knowing commission of the offense charged in Count I. Count IV of the Superseding Indictment sought the forfeiture of the following:

- (11) \$573,663.00 in United States currency
- (12) Gents Tag Heuer watch Link Model #WJ1113-OSW4348 stainless steel
- (13) Gents Tag Heuer watch Link Model #WJ1117 -OGG3346 diamond bezel Diamond dial quartz movement two tone
- (14) 18KY/gold Ladies Cartier "Pasha-C" Model #1 035 CC715845 35mm cross-grid dia. dial champagne color, diamond bezel, deployment band. Model is discontinued since 2000.
- (15) 14K Y/gold 24" Cartier style chain 117 DWT
- (16) Two pieces 14K Y/gold elephant charm 27.8 grams, 20" 14K Y/G flat Gucci Figaro link 75.6 grams.
- (17) 14K Y/gold Gents bicycle link style chain bracelet 41.6 grams
- (18) 14K Y/gold 13mm 9" Tiger's Eye link bracelet
- (19) 14K Y/gold Cuban link bracelet 45.7 grams
- (20) 14K two tone tubular link bracelet 42.8 grams
- (21) 14K two tone bracelet 20.3 grams
- (22) 14K two tone flat open link bracelet 37 grams

- (23) 14K Y/gold open link bracelet 41 grams
- (24) 14K Y/gold Figaro link bracelet 50 grams
- (25) 14K Y/gold 7" Ladies horseshoe link chain 27.2 grams
- (26) 14K Y/gold flat Gucci link chain 74 grams
- (27) 14K Y/gold Tiger's Eye link chain 75 grams
- (28) 14K two tone gold necklace 58 grams
- (29) 14K Y/gold 24" flat Gucci link necklace 95.5 grams
- (30) 14K Y/gold flat Gucci link necklace 134 grams
- (31) 1 4K Y/gold 30" bicycle chain 100 grams
- (32) 14K Y/gold 30" Tiger's Eye Gucci link 14mm 213.2 grams
- (33) 14K two tone open link 32" chain 101.7 grams
- (34) 14K Y/gold 20" Figaro link chain 80 grams
- (35) 14K Y/gold large open bicycle link chain 24" 125 grams
- (36) 14K Y/gold 22" link chain 85.4 grams
- (37) 14K Y/gold solid open link 32" chain 117 grams
- (38) 14K Y/gold flat link chain 75.4 grams
- (39) 14K Y/gold Cuban link chain 240.1 grams
- (40) 14K two tone gold tubular spiral link chain necklace 112.1 grams
- (41) 14K Y/gold diamond cross, 105 grams approximately 1,000 f/c diamonds
(68 sections of 14 each equaling approximately 14 cts.) all bead set
- (42) 14K Y/gold bracelet (6 sections of 4 round f/c each = approximately
2 3/4 cts.) 39 grams

- (43) 14K Y/gold Rolex style link bracelet with hidden clasp 70.2 grams; 39 rd. f/c diamonds approximately 3cts. set in white gold bezel
- (44) 14K Y/gold bone link with flat screw bracelet 83.5 grams; 30 rds. f/c diamonds = approximately 1.25 cts. 18 rds. f/c diamonds = approximately 1 3/4 cts. set in circle around center plate; all diamonds are bead set; TDW= 3 cts.
- (45) 14K two tone gold bead set link bracelet approximately 72 rds. f/c .03 diamonds = 2 1/4 cts. total weight 52 grams
- (46) 14K Y/gold bicycle link bracelet (screw side, flat square with diamonds 70 rds. f/c diamonds = approximately 1 1/2 cts. 53 grams
- (47) 14K Y/gold double row Cuban link bracelet 95.1 grams "Gregg" in diamonds 25 rd. f/c diamonds approximately 1.25 cts. total weight I color; SI2 clarity
- (48) 14K Y/gold "nugget" style bracelet 60.3 grams "Gregg" in diamonds 25 rd. f/c diamonds = approximately 1.25 cts. total weight; H to I Color; SI1 clarity bead set
- (49) 14K Y/gold 47.2 gram baguette and f/c rd. diamond bracelet; 16 sections of 6 each ST/TP bag. = approximately 3 cts. channel set; 18 sections X 8 channel set f/c rd. = approximately 5 1/2 cts. and 8 sections of 16-18 ST/TP bag. = approximately 4 cts.
- (50) 18K Y/gold double Panther Head bracelet, 140 DWT, 3 sections each side containing 4 round f/c diamonds = approximately 60 pts., 20 straight baguettes = approximately 1 ct., and 5 green emeralds bezel set = approximately 50 pts. bracelet contains 3 ct. emeralds total weight, 6 ct. straight baguettes, approximately 3 1/2 cts. rounds, panther heads have 34 round f/c diamonds each burnished set ranging from .02 pts./ .10 pts, total diamond weight in head approximately 2 1/4 cts., 2 rubies = approx. .20, total ruby weight .40, center circle contains 8 burnished stones approx. 40 pt. total weight, additional diamond bar contains 8 round f/c dias. approximately 14 ct. channel set
- (51) 14K Y/gold 22.7 gram diamond cross with channel set and prong set rds. and baguettes
- (52) 14K Y/gold Jesus Christ medallion 24 grams; 2 1/4 inches; 11 rd. f/c diamonds = approximately 1/4 ct. total weight

- (53) 14K Y/gold Jesus Christ medallion 56 grams; 1 3/4 inches; approximately 68 tapered baguettes = approximately 4 cts.
- (54) 14K Y/gold medallion 30.6 grams six sided rounded star with approximately 120 tapered baguettes = approximately 2 cts.; 13 rounds burnished set = approximately 1/2 ct.; 1 and 1 1/2 inches
- (55) 14K Y/gold 2 1/2" cross plus 3/4" bail, 44 grams, 8 round f/c diamonds = approximately 40 pts, bezel set, 8 round f/c diamonds = approx. 40 pts, bead set, 10 round diamonds miracle set in center = approximately 1/4 ct., approximately 155 tapered baguette diamonds = approximately 4 1/2 cts.
- (56) 14K Y/gold channel set diamond cross; 33 grams; 2 1/4 inches plus one inch bail, approximately 144 f/c rds. = approximately 8 1/2 cts.
- (57) 14K Y/gold bezel set cross with 12 movable roundels; 17 rd. f/c diamonds = approximately 1 1/2 cts.
- (58) 14K Y/gold square shaped pendant with cross; 21.5 grams, 32 tapered and straight baguette diamonds = approximately 1 ct., 12 round f/c diamonds = approximately 60 pts., 4 princess cut diamonds invisibly set = approximately 40 pts.
- (59) 14K Y/gold 3" x 2 1/4" diamond cross with multiple overlaying sections of tapered and straight baguettes, approximately 400 stones = 10 ct. TW; cross has ornate designed edges, 71.1 gr.
- (60) 18 K Y/gold octagon pendant w/diamond bail, 80 princess cut diamonds 2.6 mm invisibly set = 7 cts. H-I color, S12 clarity 20.1 gr.
- (61) 14K Y/gold pendant, 32 gr., 192 bead set rd. f/c dia = 7.5 cts., 5 rd. f/c dia bezel set = .50 pts.
- (62) 14K Y/gold frame with 12 rd. f/c diamonds and three in the bail = 1/2 ct. 72 tapered baguettes = approx. 3 ct.; all diamonds are channel set 58.5 grams; 17.6 DWT; one ounce Liberty Coin = 20 DWT.
- (63) 14K Y/gold religious medallion 2 1/4" plus 1" bail containing 25 tapered baguettes channel set in halo; 64 tapered baguettes and 8 round f/c diamonds = 3 1/4 ct. TDW; 48.7 grams.

- (64) 14K Y/gold 55 gram 1 3/4 diameter circular pendant with 1" bail; 92 tapered baguettes channel set = approximately 3 cts. with 35 round diamonds = approximately 1 3/4 cts. Greek Key design

- (65) 14K Y/gold triangular shaped medallion 41.2 grams; 90 tapered baguettes
= approximately 5 cts.; 26 tapered baguettes = approximately 1 ct.; 3 rounds = approximately 30 pts.; 9 rounds = approximately 1/2 ct.; one center round = approximately 20 pts.; all baguettes are channel set; all rounds are bead set

- (66) 14K Y/gold "hands holding world" pendant; 1 3/4" with 1 1/4" bail; pinky fingers have diamonds, plus 45 round full cut diamonds = approximately 2 1/2 cts.; bail has 7 round diamonds

- (67) 14K Y/gold ring, 9 round s/c diamonds = approximately 1/2 ct.; prong set
9 grams

- (68) 14K Y/gold rectangular ring, 12 tapered baguettes on either side of 4 round f/c diamonds, all diamonds are channel set, 4 rounds = approximately 80 pts, 24 baguettes = approximately 1 1/4 ct.; 11.4 grams

- (69) 14K two-tone gold square ring, 12.6 DWT; 4 sections of 5 round f/c diamonds= approximately 1 ct.

- (70) 14K two-tone gold ring, 7.5 DWT, 12 round f/c diamonds = approximately
60 pts., floral pattern

- (71) 14K Y/gold "Rolex style" square ring with 16 round f/c diamonds = approximately 1/3 ct total weight, 7.4 grams

- (72) 14K two tone Gents rectangular ring 18.6 grams, 60 baguette diamonds, channel set in 6 cylindrical sections with gold screw on each end, H color, S11-S12 clarity

- (73) 14K Y/gold oblong shaped ring, 5 round f/c diamonds = approximately 1 ct., H-I color, SI2 clarity, 11 grams

- (74) 14K W/gold Gents ring, 22 grams, 16 tapered baguettes = approximately 1/2 ct., 2 rounds = approximately 30 pts.; yellow gold channel bar setting

- (75) 14K Y/gold Gents square ring, 14.1 grams, 8 round f/c diamonds = approximately .40 pts., 1 round f/c old miner diamond = approximately .15 pts.
- (76) 14K two-tone hexagon shaped Gents ring, 12 round f/c diamonds = approximately 1 ct., 1 round diamond = approximately 30 pts.
- (77) 14K Y/gold Gents ring, 11.5 grams, 25 princess cut diamonds = approximately 1 ½ cts., 10 round f/c diamonds = approximately 1/2 ct.
- (78) 14K Y/gold Gents ring, 6 rows of 13 princess cut diamonds invisibly set = approximately 6 cts., 19.2 grams, G-H color, S11 clarity
- (79) 14K Y/gold Gents ring, 13 grams, 20 round channel set diamonds = approximately 60 pts., 22 tapered baguettes = approximately 60 pts.
- (80) 14K Y/gold Gents square ring, 14.1 grams, 24 tapered baguettes approx. 3/4 ct., 13 round f/c diamonds = approximately 3/4 ct.
- (81) 14K Y/gold Gents princess cut diamond ring, 71 princess cut invisibly set = approximately 3 ct. total weight, 13.7 grams.
- (82) 18K Y/gold Gents ring, 9.6 DWT, 11 round f/c diamonds = approximately 55 pts., 4 round f/c diamonds = approximately 30 pts., G-H color, S13 clarity.
- (83) 14K Y/gold Gents ring, 20.1 grams, 20 round f/c diamonds = approximately 2 ct. total weight, prong set, H-I color, S12 clarity.
- (84) 18K W/gold two tone Gents ring, 21.4 grams, 14 princess cut diamonds = approximately 1 ct., 6 tapered baguettes = approximately 60 pts., 4 invisibly set princess cuts in center = approximately ½ ct.
- (85) 14K two tone Gents ring, 13.5 grams, 12 full and single cut dias. Approx. 30 pts., 1 center round f/c diamond = approx. 8 pts.
- (86) 14K two tone six sided Gents ring, 14 grams, 16 round f/c diamonds = approximately ½ ct., 1 center round f/c diamond = approximately 15 pts., H-I color, S12 clarity.
- (87) 14K Y/gold Gents oval ring with 10 round f/c diamonds bead set into white gold top = approx. 60 pts., 33 grams, 4 round f/c diamonds = approx. 1 ct.

- (88) 14K Y/gold Gents square ring, 16 DWT with 8 round f/c diamonds = approx. $\frac{1}{2}$ ct., bezel set and 20 round f/c diamonds = approximately .60 pts.
- (89) 14K Y/gold Gents channel set tapered baguette ring, 14.3 grams, 26 tapered baguettes = approximately $\frac{3}{4}$ ct., 15 round f/c diamonds = approximately $\frac{3}{4}$ ct.
- (90) 14K Y/gold Gents ring triangular shaped, 10.2 DWT, 3 round f/c diamonds bezel set = approximately 30 pts., 30 round f/c diamonds = approximately 30 pts.
- (91) 14K Y/gold Gents ring, 1 7.6 grams, 4 round f/c diamonds = approximately 30 pts., 6 round f/c diamonds = approximately .36 pts., and 24 invisibly set princess cut diamonds = approximately 1 $\frac{1}{2}$ cts.
- (92) 14K Y/gold Gents ring, 18.5 grams containing 30 round f/c diamonds = approximately 90 pts., 16 round f/c diamonds = approximately 80 pts. and 2 round f/c diamonds = approximately 35 pts.
- (93) 14K Y/G Gents ring, 12.2 grams, 24 tapered baguettes = approximately $\frac{3}{4}$ ct., 5 round f/c diamonds = approximately $\frac{1}{2}$ ct.
- (94) Real property described as:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Village of Pomona, Town of Haverstraw, County of Rockland and State of New York known and designated as and by Lot Number 7 on a map entitled "Subdivision Slon" prepared by Henry Horowitz P.E., P.L.S., dated 1-15-84 and filed 4-8-86 in the Rockland County Clerk's Office in the Rockland County Clerk's Office in Book 105 at page 53 as Map Number 5876 said lot being more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Oak Ridge Court, which point is the most easterly end of a curve connecting the southerly side of Oak Ridge Court with the easterly side of Call's Hollow Road;

RUNNING THENCE along Oak Ridge Court South 79 degrees 29 minutes 37 seconds East 122.00 feet to the dividing line of Lots 6 and 7;

THENCE along said dividing line South 2 degrees 25 minutes 36 seconds West 234.75 feet to land now or formerly of Georges;

THENCE along the lands now or formerly of Georges North 84 degrees 33 minutes 36 seconds West 193.00 feet to the easterly side of Call's Hollow Road;

THENCE along the easterly side of Call's Hollow Road North 14 degrees 47 minutes 32 seconds East 231.60 feet, and easterly on a curve to the right, having a radius of 20.00 feet for a distance of 29.92 feet to the pont or place of BEGINNING.

commonly known as 1 Oak Ridge Court, Pomona, New York.

The government also agreed to release the Gents Tag Heuer watch Link Model

#WJ1117 -OGG3346 diamond bezel Diamond dial quartz movement two tone, the 18K

Y/gold double Panther Head bracelet, 140 DWT, 3 sections each side containing 4

round f/c diamonds = approximately 60 pts., 20 straight baguettes = approximately 1

ct., and 5 green emeralds bezel set = approximately 50 pts. bracelet contains 3 ct.

emeralds total weight, 6 ct. straight baguettes, approximately 3 1/2 cts. rounds, panther

heads have 34 round f/c diamonds each burnished set ranging from .02 pts./ .10 pts,

total diamond weight in head approximately 2 1/4 cts., 2 rubies = approx. .20, total

ruby weight .40, center circle contains 8 burnished stones approx. 40 pt. total weight,

additional diamond bar contains 8 round f/c dias. approximately 14 ct. channel set and

the 14K Y/gold Gents ring, 6 rows of 13 princess cut diamonds invisibly set =

approximately 6 cts., 19.2 grams, G-H color, SII clarity, to defendant Stevenson's counsel.

2. By virtue of said pleas of guilty, the defendants forfeit their interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C., § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained. Accordingly,

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Counts III and IV of the Superseding Indictment and the defendants' pleas of guilty, the United States Marshal for the Southern District of New York ("Marshal") is hereby authorized to seize the above-referenced properties.

C. Defendants' interest in said properties is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the Marshal in his secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the Marshal forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, notice of the Marshal's intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the defendants, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in

the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

DATED this 22nd day of May, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court